



House of Representatives

General Assembly

File No. 714

February Session, 2008

Substitute House Bill No. 5829

House of Representatives, April 23, 2008

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE IMPOUNDMENT OF ROAMING ANIMALS AND PUBLIC SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-332 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The Chief Animal Control Officer, any animal control officer or
4 any municipal animal control officer shall be responsible for the
5 enforcement of this chapter and shall make diligent search and inquiry
6 for any violation of any of its provisions. Any such officer may take
7 into custody (1) any dog found roaming in violation of the provisions
8 of section 22-364, (2) any dog not having a tag or plate on a collar about
9 its neck or on a harness on its body as provided by law or which is not
10 confined or controlled in accordance with the provisions of any order
11 or regulation relating to rabies issued by the commissioner in
12 accordance with the provisions of this chapter, or (3) any dog found
13 injured on any highway, neglected, abandoned or cruelly treated. The

14 officer shall impound such dog at the pound serving the town where
15 the dog is taken unless, in the opinion of a licensed veterinarian, the
16 dog is so injured or diseased that it should be destroyed immediately,
17 in which case the municipal animal control officer of such town may
18 cause the dog to be mercifully killed by a licensed veterinarian or
19 disposed of as the State Veterinarian may direct. The municipal animal
20 control officer shall immediately notify the owner or keeper of any dog
21 so taken, if known, of its impoundment. [Such officer shall
22 immediately notify the owner or keeper of any other animal which is
23 taken into custody, if such owner or keeper is known.] If the owner or
24 keeper of any such dog [or other animal] is unknown, the officer shall
25 immediately tag or employ such other suitable means of identification
26 of the dog [or other animal] as may be approved by the Chief Animal
27 Control Officer and shall promptly cause a description of such dog [or
28 other animal] to be published once in the lost and found column of a
29 newspaper having a circulation in such town.

30 (b) If such dog [or other animal] is not claimed by and released to
31 the owner within seven days after the date of publication, the
32 municipal animal control officer, upon finding such dog [or other
33 animal] to be in satisfactory health, may have a licensed veterinarian
34 spay or neuter such dog and sell such dog [or other animal] to any
35 person who satisfies such officer that [he is purchasing it] the dog is
36 being purchased as a pet and that [he] such person can give it a good
37 home and proper care. The municipal animal control officer may retain
38 possession of such dog [or other animal] for such additional period of
39 time as [he] such officer may deem advisable in order to place such
40 dog [or other animal] as a pet and may have a licensed veterinarian
41 spay or neuter such dog. If, within such period, any dog [or other
42 animal] is not claimed by and released to the owner or keeper or
43 purchased as a pet, the officer shall cause such dog [or other animal] to
44 be mercifully killed by a licensed veterinarian or disposed of as the
45 State Veterinarian may direct. Any veterinarian who so destroys a dog
46 shall be paid from the dog fund account. No person who so destroys a
47 dog [or other animal] shall be held criminally or civilly liable therefor
48 nor shall any licensed veterinarian who spays or neuters a dog

49 pursuant to this section be held civilly liable, including, but not limited
50 to, liability for reconstructive neutical implantation surgery.

51 (c) The town treasurer or other fiscal officer shall pay from the dog
52 fund account the advertising expense incurred under the provisions of
53 this section upon receipt of an itemized statement together with a copy
54 of the advertisement as published. Any person who purchases a dog as
55 a pet shall pay a fee of five dollars and procure a license and tag for
56 such dog from the town clerk, in accordance with the provisions of
57 section 22-338 of the 2008 supplement to the general statutes.

58 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) The Chief Animal
59 Control Officer, any animal control officer or any municipal animal
60 control officer may take into custody any livestock, as defined in
61 section 22-278 of the general statutes, or ratite, whose presence on any
62 highway or public property poses a threat to public safety or whose
63 presence on property other than the property of its owner or keeper
64 creates a threat to public safety or threat to other animals or property.
65 Such officer may impound such livestock or ratite at the pound serving
66 the town where the animal was taken into custody or at any other
67 suitable facility as determined by the Commissioner of Agriculture,
68 except that in the opinion of a licensed veterinarian, if the livestock or
69 ratite is so injured or diseased that it should be destroyed immediately,
70 the municipal animal control officer of such town may cause the
71 livestock or ratite to be mercifully killed by a licensed veterinarian or
72 disposed of as the State Veterinarian may direct. The municipal animal
73 control officer shall immediately notify the owner or keeper, if known,
74 of the impoundment of any livestock or ratite taken pursuant to this
75 section. If the owner or keeper of any such livestock or ratite is
76 unknown, the officer shall immediately tag or employ such other
77 suitable means of identification of the livestock or ratite as may be
78 approved by the Chief Animal Control Officer and shall promptly
79 cause a description of such livestock or ratite to be published once in
80 the lost and found column of a newspaper having a circulation in the
81 town where the animal was taken into custody.

82 (b) If such livestock or ratite is not claimed by and released to the
83 owner within fourteen days after the date of such publication, the
84 municipal animal control officer, upon finding such livestock or ratite
85 to be in satisfactory health, may sell such livestock or ratite to any
86 person who satisfies such officer that he or she is purchasing it for
87 domestic or commercial use and that he or she can give it proper care.
88 The municipal animal control officer may retain possession of such
89 livestock or ratite for such additional period of time as he or she may
90 deem advisable in order to place such livestock or ratite. If, within
91 such period, any livestock or ratite is not claimed by and released to
92 the owner or keeper or purchased for domestic or commercial use, the
93 officer may offer the livestock or ratite to a public or private nonprofit
94 animal rescue or adoption organization.

95 (c) The Chief Animal Control Officer, any animal control officer or
96 any municipal animal control officer may fine the owner or keeper of
97 livestock or ratite taken into custody under subsection (a) of this
98 section a total of sixty dollars for the first offense, regardless of the
99 number of livestock or ratites involved in such offense, two hundred
100 fifty dollars for the second offense occurring within fifteen days of the
101 first offense, regardless of the number of livestock or ratites involved
102 in the second offense, and five hundred dollars for the third offense
103 occurring within thirty days of the first offense, regardless of the
104 number of livestock or ratites involved in the third offense. The owner
105 or keeper of livestock or a ratite taken into custody pursuant to
106 subsection (a) of this section shall also be liable for costs associated
107 with the transportation and care of such livestock or ratite until such
108 livestock or ratite is returned to such owner or keeper.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	22-332
Sec. 2	October 1, 2008	New section

PD Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Agriculture	GF - Revenue Gain & Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	Revenue Gain & Cost	Potential Minimal	Potential Minimal

Explanation

The bill could result in minimally increased revenues to the Department of Agriculture (DOAg) and/or various municipalities from fines levied against owners of roaming livestock or ratites.

The bill could also result in a minimal cost to DOAg and various municipalities if the owner of roaming livestock or ratite is not found and the state or municipalities are not able to cover the costs of impoundment. Such costs may include transport from the roaming site to the impoundment site, food, supplies, veterinary care, and newspaper advertisements.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and fines imposed by the agency. It is also subject to the number of livestock or ratites impounded when the owner of these animals is not located.

OLR Bill Analysis**sHB 5829*****AN ACT CONCERNING THE IMPOUNDMENT OF ROAMING ANIMALS AND PUBLIC SAFETY.*****SUMMARY:**

The bill narrows the current law that allows the chief animal control officer and other animal control officers to impound dogs or other animals to include only dogs that are roaming; do not have the required municipal tag or plate on their bodies, or are injured, neglected, abandoned or cruelly treated. It does not specify how animal control officers should care for other animals in similar conditions (e.g., cats, ferrets, and other animals kept as pets).

The bill allows the chief animal control officer, and other animal control officers to impound livestock or ratite (animals such as ostrich) that pose threats to public safety or other animals. The officer follows similar procedures with regard to the impoundment of these animals as with the impoundment of dogs, except the bill does not allow for the merciful killing of healthy livestock or ratite if the officer fails to find the owner or place the animal appropriately. The bill also allows owners or keepers 14 days to claim impounded livestock or ratite, while current law allows dog owners and keepers only seven days.

The bill allows the municipal officers to fine the owners or keepers of the impounded livestock or ratite up to \$60 for the first offense, up to \$250 for the second offense occurring within 15 days of the first offense, and up to \$500 for a third offense occurring within 30 days of first offense. The bill specifies that fines do not consider the number of livestock or ratite impounded. The owner or keeper of the impounded livestock or ratite is also responsible for the costs associated with such impoundment.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2008

IMPOUNDMENT OF LIVESTOCK OR RATITE

The bill allows the chief animal control officer or other animal control officers to impound livestock or ratite that pose a threat to public safety on highways, public or private property, or other animals. The livestock or ratite must be impounded at the local pound or at a suitable facility as determined by the agriculture commissioner. However, if a licensed veterinarian determines that the livestock or ratite is severely injured or diseased, the veterinarian may mercifully kill the animal or the State Veterinarian may otherwise properly dispose of it.

If the owners or keepers of the livestock or ratite are known, the bill requires the municipal animal control officers to notify them of the impoundment immediately. If the owners or keepers are unknown, the officer must immediately tag or employ such other suitable means of identification of the livestock or ratite as may be approved by the chief animal control officer. The officer must then promptly publish a description of such livestock or ratite once in the lost and found column of a newspaper having a circulation in the town where the animal was impounded.

If the owner or keeper of the livestock or ratite does not claim it within 14 days after the date of publication of the description, the municipal control officer may retain possession of any healthy animals to sell or otherwise place them appropriately. Prospective purchasers must show that they intend to use the animal for domestic or commercial use, and that they are able to provide proper care. If no satisfactory purchasers come forward, the municipal control officer may offer the livestock or ratite to public or private nonprofit animal rescue or adoption organizations.

Under the bill, the owner or keeper of the impounded livestock or ratite is also responsible for the costs associated with its transportation

and care. The bill also allows the officer to fine the owners or keepers of the impounded livestock or ratite:

1. up to \$60 for the first offense, regardless of the number of livestock or ratite impounded;
2. up to \$250 for the second offense occurring within 15 days of the first offense, regardless of the number of livestock or ratite impounded; and
3. up to \$500 for a third offense occurring within 30 days of first offense, regardless of the number of livestock or ratite impounded.

BACKGROUND

Legislative History

The House referred the bill (File 471) to the Planning and Development Committee, which reported a substitute that:

1. eliminates the inclusion of domestic animals under the procedures governing the impoundment of roaming, unidentified, injured, abandoned, neglected, or cruelly treated dogs;
2. adds the option of merciful killing of livestock or ratite when a licensed veterinarian determines that it is severely injured or diseased; and
3. adds the provision that allows municipal animal control officers to sell or otherwise place livestock or ratite when no owner or keeper claims impounded it.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 7 (03/14/2008)

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 0 (04/14/2008)